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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,084	02/11/2004	Satoru Horita	P24784	1599
7055	7590	10/01/2007	EXAMINER	
GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			HERNANDEZ, NELSON D	
			ART UNIT	PAPER NUMBER
			2622	
			NOTIFICATION DATE	DELIVERY MODE
			10/01/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/775,084	HORITA, SATORU	
	Examiner	Art Unit	
	Nelson D. Hernandez	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 11 February 2004.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-6, 8 and 9 is/are rejected.
- 7) Claim(s) 7 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 11 February 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date: _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/2/05, 8/4/04 &amp; 5/11/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|   | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Specification***

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claim 9 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

**Regarding claim 9,** claim 9 recites "A computer program product for image processing that comprises:". A program as claimed is not tangible embodied on the computer. Since a computer program is merely a set of instructions capable of being executed by a computer or another device, the program logic itself is not a process; therefore the invention as claimed is non-statutory. The Specifications (page 22, lines 9-13) appear to disclose that the program is stored in a memory of the control circuit of the digital camera. Therefore, for Examining purposes, claim 9 will be read as "A computer readable recording medium encoded with a computer program product that when executed by the computer would perform an image processing that comprises:"

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claim 1 rejected under 35 U.S.C. 102(b) as being anticipated by Yamazoe et al., EP 1014688 A2.**

**Regarding claim 1,** Yamazoe et al. discloses an image-processing device (See fig. 1), comprising: an input device (Fig. 1: 111) that inputs video signals of an original color image; and an image-processing unit (CPU 108) that carries out a predetermined image altering process on luminance components of said video signals (Col. 8, ¶ 0048 – col. 11, ¶ 0061; see also col. 18, ¶ 0109 – col. 19, ¶ 0113); wherein said luminance components, subjected to said image altering process, and color-difference components of said video signals are combined (Col. 8, ¶ 0048 – col. 11, ¶ 0061; see also col. 18, ¶ 0109 – col. 19, ¶ 0113; see also col. 6, ¶¶), so that video signals for an illustrational image in which the outlines of image features are made bold (Col. 9, ¶ 0055 – col. 10, ¶ 0059), and the number of colors is reduced with respect to the number of colors in said original color image, are generated (Col. 9, ¶ 0055 – col. 10, ¶ 0059) (Col. 6, ¶ 0036 – col. 12, ¶ 0073; see also col. 18, ¶ 0109 – col. 19, ¶ 0113).

**Regarding claim 2,** Yamazoe et al. discloses said image altering process includes filtering processes in which a low-pass filter and an edge-enhancement filter are used to filter said luminance components, and a gradation-reduction process (to

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reduce the amount of tone levels) that reduces the steps of said luminance components (Col. 8, ¶ 0048 – col. 11, ¶ 0061; see also col. 18, ¶ 0109 – col. 19, ¶ 0113).

**Regarding claim 8,** claim 8 is a method claim of the apparatus in claim 1.

Limitations are discussed and analyzed in claim 1.

**Regarding claim 9,** claim 9 requires a program product stored in a computer readable medium that when executed by the computer would perform an image processing as in claim 1. Limitations are discussed and analyzed in claim 1. Furthermore, Yamazoe et al. discloses the image processing as a program stored in a computer memory (Col. 4, ¶ 0023-0028) that when executed performs the same operations as in claim 1.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claim 3 rejected under 35 U.S.C. 103(a) as being unpatentable over Yamazoe et al., EP 1014688 A2 in view of D'Alto, US Patent 5,680,179.**

**Regarding claim 3,** Yamazoe et al. does not explicitly disclose that said filtering processes are recursively carried out for a plurality of times.

However, D'Alto teaches the concept of recursively carry out a low pass filtering process for a plurality of times to an image in order to attenuate high frequencies in an image (Col. 1, line 66 – col. 2, line 10).

The Examiner understands that by repeating the low pass filtering process to an image would result in attenuation of high frequencies components, thus the image data would have a smoother appearance in areas of low high frequencies components, the image would have a reduction in tone values. Also taking in consideration that if a high frequency filter is applied a plurality of times to the image, the image would highlight more the areas with high frequencies components. Therefore, one of an ordinary skill in the art that would take in consideration the effect of applying a filtering process as discussed in D'Alto would find obvious at the time the invention was made to modify the teaching of Yamazoe to recursively carry out the filtering process for a plurality of times. The motivation to do so would have been to efficiently remove the high frequency components in areas that are not important in order to create a simulation with a reduced amount of tones, thus reducing the amount of space required to store the image data.

**8. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamazoe et al., EP 1014688 A2 in view of Greggain, US Patent 5,602,599.**

**Regarding claim 4,** Yamazoe et al. does not explicitly disclose that said image-processing unit further carries out a resolution reduction process that reduces the number of pixels in said original color image before carrying out said filtering processes

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and a resolution restoring process that restores the number of pixels to said number of pixels in said original color image after carrying out said filtering processes.

However, Greggain discloses filtering device (Figure 1) which filters an original image (column 2, lines 6-8; input digital image stored in image frame store 1 provides an original image), comprising: a reducing processor (resizing apparatus 3; column 2, lines 8-16) that reduces the number of pixels forming said original image (1) so as to generate a low-resolution image (image with reduced number of pixels results into a low resolution image); a filtering processor (column 2, lines 17-33; by removing spatial frequency from the reduced image provides filtering) that filters pixel data of pixels forming said low- resolution image so as to transform said low-resolution image into a filtered image; and an image restoring processor (resized apparatus 5 corresponds to an image restoring processor; column 2, lines 19-33) that restores the number of pixels forming said filtered image to the number of pixels forming said original image so as to generate a restored image (Col. 2, line 16 – col. 4, line 28).

Therefore, taking the combined teaching of Yamazoe in view of Greggain as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Yamazoe by having said image processing unit carrying out a resolution reduction process that reduces the number of pixels in said original color image before carrying out said filtering processes and a resolution restoring process that restores the number of pixels to said number of pixels in said original color image after carrying out said filtering processes. The motivation to do so would have been to increase the speed of the filtering process by applying the filters to a reduced

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image while taking advantage of the inherent accurate filtering that would reduce the aliasing and image distortion as suggested by Greggain (Col. 1, lines 45-55).

**Regarding claim 5,** the combined teaching of Yamazoe in view of Greggain as discussed and analyzed in claim 4 would result in the limitations as claimed since the filtering process that includes the low-pass filter and an edge-enhancement filter are used to filter said luminance components, and a gradation-reduction process that reduces the steps of said luminance components (See Yamazoe, col. 8, ¶ 0048 – col. 11, ¶ 0061; see also col. 18, ¶ 0109 – col. 19, ¶ 0113) would be performed before restoring the size of the image (Greggain, col. 2, line 16 – col. 4, line 28). Grounds for rejecting claim 4 apply here.

**9. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamazoe et al., EP 1014688 A2 in view of Greggain, US Patent 5,602,599 and further in view of Isono et al., US Patent 6,873,348 B1.**

**Regarding claim 6,** the combined teaching of Yamazoe in view of Greggain fails to teach that the image-processing unit carries out said resolution restoring process before carrying out said gradation-reduction process.

However, Isono et al. discloses an image processing method wherein the image data is analyzed before performing enlargement in order to correct the gradation said image data after performing said enlargement with the purpose of correcting blurriness of the enlarged image data that would result as a result of said enlargement (Col. 18, line 29 – col. 19, line 27).

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Therefore, taking the combined teaching of Yamazoe in view of Greggain in view of Isono et al as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Yamazoe and Greggain by having the image-processing unit carrying out said resolution restoring process before carrying out said gradation-reduction process. The motivation to do so would have been to improve the image-processing device by allowing correction of any blurriness obtained as a result of enlarging the image, thus improving the image quality of said image.

***Allowable Subject Matter***

10. **Claim 7** is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. The following is a statement of reasons for the indication of allowable subject matter:

**Regarding claim 7,** the main reason for indication of allowable subject matter is because the prior art fails to teach or reasonably suggest, that said image-processing unit carries out said low-pass filtering process, said edge-enhancement filtering process, and said gradation-reduction process in this order in a first mode, and wherein said image-processing unit carries out a resolution reduction process that reduces the number of pixels in said original color image, said low-pass filtering process, said edge-enhancement filtering process, said gradation-reduction process, and a resolution restoring process that restores the number of pixels to said number of pixels in said

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original color image, in this order in a second mode, including all the limitations in claims 1 and 2.

**Contact**

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Nelson D. Hernandez whose telephone number is (571) 272-7311. The examiner can normally be reached on 9:30 A.M. to 6:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571) 272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



TUAN HO  
PRIMARY EXAMINER

Nelson D. Hernandez  
Examiner  
Art Unit 2622

NDHH  
September 20, 2007